

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE UNITED STATES OF AMERICA  
for the use of MATHUSEK INCORPORATED,

Plaintiff,

-against-

J. KOKOLAKIS CONTRACTING, INC.,  
SEABOARD SURETY COMPANY AND  
ST. PAUL FIRE & MARINE  
INSURANCE COMPANY,

Defendants.

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**NOTICE OF MOTION**

**Civil Action #05CIV9097**

Judge William C. Conner

Please take notice that, upon the attached application, the undersigned will move this Court, pursuant to 9 U.S.C. §4, at a stated term for the hearing of motions in the United States Courthouse for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601 on the 18<sup>th</sup> day of October 2006 at 9:30 A.M., or as soon thereafter as counsel can be heard, for an Order directing the United States of America for the use of Mathusek Incorporated, Plaintiff, to proceed to Arbitration in accordance with the terms of its written agreement with J. Kokolakis Contracting Inc., Defendant dated April 22, 2004, Article 15 (Sub Contract) and for such other and further relief as to the Court may seem just and proper.

Dated: September 19, 2006  
Miller Place, New York

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